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8 *Attorney for Plaintiff*
 9 And those similarly situated

10
 11
 12 UNITED STATES DISTRICT COURT
 13
 14 DISTRICT OF NEBRASKA

15 ALEJANDRO VALLESILLO, individually, and
 16 behalf of all those similarly situated,

17 Plaintiff,

18 v.

19 VANGUARD EQUITIES, LLC, a New York
 20 Limited Liability Company, and JEROME
 21 CERILLO, an individual,

22 Defendants.

23 Case No.: 8:24-cv-00467-JFB-MDN

24
**MOTION FOR CLERK'S DEFAULT
 25 AGAINST VANGUARD EQUITIES, LLC**

26
MOTION FOR CLERK'S ENTRY OF DEFAULT
AGAINST VANGUARD EQUITIES, LLC

27 Pursuant to Local Rule 55.1(a)(1) and Fed. R. Civ. P. 55(a) of the Federal Rules of Civil
 28 Procedure, ALEJANDRO VALLESILLO (“Plaintiff”) hereby moves for the Clerk’s entry of default
 against VANGUARD EQUITIES, LLC (“Defendant”). In support of this motion, Plaintiff states the
 following and attaches an affidavit from Plaintiff’s attorney (“Javitch Aff.”).

- 29
 30 1. On December 4, 2025, Plaintiff filed his Complaint (“FAC”) against Defendants Vanguard
 31 Equities, LLC and Jerome Cerillo, alleging violations of the Telephone Consumer Protection Act
 32 (or the “TCPA”) 47 U.S.C. § 227. (Filing No. 1).

- 1 2. On December 7, 2024, and December 10, 2024, a process server attempted to serve a copy of the
- 2 Summons and Complaint upon Defendant Vanguard Equities, LLC by personal service on the
- 3 registered agent currently on file with the New York Secretary of State's office. (Filing No. 7;
- 4 Exhibit A attached to Javitch Aff., ¶¶ 5-6.).
- 5 3. On January 30, 2025, the Court granted leave to serve the New York Secretary of State's Office.
- 6 (Filing No. 9)
- 7 4. On February 4, 2025, Plaintiff caused a process server to serve the New York Secretary of
- 8 State's Office on behalf of Vanguard Equities, LLC. (Filing No. 10)
- 9 5. As of the date of this filing, more than 21 days have passed since serving the Summons and First
- 10 Amended Complaint upon Defendant Vanguard Equities, LLC, and yet Defendant Vanguard
- 11 Equities, LLC has failed to file an answer or any responsive pleading required by Rule 12.
- 12 6. None of the Defendants are minors nor incompetent persons. (Javitch Aff., ¶ 9).
- 13 7. As required by Local Rule 55.1(a)(2), Plaintiff will email to the clerk a proposed clerk's entry of
- 14 default.

17 WHEREFORE, in accordance with Local Rule 55.1(a)(1) and Fed. R. Civ. P. 55(a), Plaintiff
18 respectfully requests that the Clerk enter the Clerk's default against Defendant Vanguard Equities, LLC.

19 Dated: March 3, 2025

Respectfully submitted,

20 By: /s/ Mark L. Javitch

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25 *Attorneys for Plaintiff and the Putative Class*